

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DAVID C. OGULA,

Plaintiff,

MEMORANDUM & ORDER

20-CV-06346 (EK) (LB)

-against-

CITY OF NEW YORK, FIRE DEPARTMENT
OF NEW YORK (FDNY), TERRYL L.
BROWN, STEPHEN RUSH, et al.,

Defendant.

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ERIC KOMITEE, United States District Judge:

The court has received Magistrate Judge Bloom's Report and Recommendation ("R&R") dated February 13, 2023. ECF No. 45. Judge Bloom recommends dismissal of all federal claims in plaintiff David Ogula's Second Amended Complaint for failure to state a claim, without leave to amend. R&R 29. Judge Bloom further recommends that the court decline supplemental jurisdiction over Ogula's state law claims. *Id.* Ogula timely objected. See Pl.'s Obj. 1-2, ECF No. 46.

A district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). The district court reviews *de novo* those portions of an R&R to which a party has specifically objected. *Id.*; Fed. R. Civ. P. 72(b)(3); see also *Kruger v. Virgin Atl. Airways, Ltd.*, 976 F. Supp. 2d 290, 296

(E.D.N.Y. 2013) ("A proper objection is one that identifies the specific portions of the R&R that the objector asserts are erroneous and provides a basis for this assertion."), *aff'd*, 578 F. App'x 51 (2d Cir. 2014).¹ When considering objections from a *pro se* litigant, the court interprets those objections to raise the strongest arguments that they suggest. See *Spaulding v. N.Y.C. Dep't of Educ.*, 407 F. Supp. 3d 143, 144 (E.D.N.Y. 2017). The district court also "retains the power to engage in *sua sponte* review of any portion of the magistrate's report and recommendation, regardless of the absence of objections." *Greene v. WCI Holdings Corp.*, 956 F. Supp. 509, 514 (S.D.N.Y. 1997), *aff'd*, 136 F.3d 313 (2d Cir. 1998). Such *sua sponte* review "may be under a *de novo* standard, or any lesser standard of review." *Id.*

is the objections do not set out a clear statement of reasons the the R&R's recommendations should be set aside. Nevertheless, mindful of Ogula's *pro se* status, I have conducted a *de novo* review of the R&R, and I adopt it now in its entirety.

Accordingly, the defendants' motion to dismiss is granted. Ogula's federal claims under Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, and the Federal Equal Pay Act are dismissed with prejudice.

¹ Unless otherwise noted, when quoting judicial decisions this order accepts all alterations and omits all citations, footnotes, and internal quotation marks.

Supplemental jurisdiction over the state law claims is declined.
The Clerk of Court is respectfully directed to enter judgment
for the defendants and close the case.

SO ORDERED.

/s/ Eric Komitee
ERIC KOMITEE
United States District Judge

Dated: March 22, 2024
Brooklyn, New York